ORDINANCE NO. 96-2

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 85-40 AS AMENDED BY ORDINANCES NO. 87-24, 88-29, 89-36, 90-39, 91-43, 92-21, 93-31, 94-14, 94-28, AND 95-32 ESTABLISHING AN AMENDED FIVE YEAR ROAD PROGRAM; PROVIDING FOR TITLE; PURPOSE; ADOPTION OF REVISED FIVE YEAR ROAD PLAN AND REVISED LIST OF PROJECTS CONTAINED IN EXHIBIT "A"; IMPLEMENTATION OF PLAN; MODIFICATION OF PLAN; FUNDING OF OTHER ROADWAY IMPROVEMENTS, INTERPRETATION OF EXHIBIT; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE CODE OF LAWS AND ORDINANCES; EFFECTIVE DATE.

WHEREAS, by Ordinance 85-40, the County established a five-year road program setting forth the road projects to be funded, designed and constructed by the County within the next five years; and

WHEREAS, Ordinance 85-40 required annual updates of the road projects by December of each year and permits modifications of the plan no more than twice in a one year period; and

WHEREAS, the Board of County Commissioners annually updated Ordinance 85-40 by enacting Ordinances 87-24, 88-29, 89-36, 90-39, 91-43, 92-21, 93-31, 94-14, 94-28, and 95-32 by amending the attachment identified as Exhibit "A" to each of the Ordinances; and

WHEREAS, the Board has considered the funding and timing of road projects for the next five years as set forth in Exhibit "A" to Ordinance 95-32 and desires to revise Exhibit "A" of Ordinance 95-32 to reflect such changes; and

WHEREAS, the Board wishes to amend the Five Year Road Program Ordinance by amending Exhibit "A" and enacting a new Exhibit "A" to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

SECTION I

Ordinance 85-40, as amended by Ordinances 87-24, 88-29, 89-36, 90-39, 91-43, 92-21, 93-31, 94-14, 94-28 and 95-32 is hereby amended.

TITLE

This Ordinance shall be known as the "Palm Beach County Five Year Road Program Ordinance."

PURPOSE

The Palm Beach County Comprehensive Plan, Traffic Circulation Element, is designed to be used as a guide to meet existing and future ground transportation needs of the County including major roadways within incorporated municipalities. The element analyzes the primary transportation network within the County to determine system deficiencies and identify improvements.

The Board of County Commissioners now desires to codify in this Ordinance a reasonably attainable program of roadway construction for the next five years and match the construction of the projects with available funding. The further purpose of this Ordinance is to encourage the prioritization of projects, provide for better timing of right-of-way acquisition and provide improved planning for financial funding mechanisms.

ADOPTION OF REVISED FIVE YEAR ROAD PLAN

The list of projects for the Five Year Road Program set forth in Exhibit "A," of Ordinance 85-40, as amended, is hereby modified as set forth in a new Exhibit "A", attached hereto and incorporated herein, and is hereby adopted as the Five Year Road Plan. Exhibit "A" of Ordinance 95-32 is hereby deleted and replaced with the new Exhibit "A", attached hereto.

IMPLEMENTATION OF PLAN

The County Administrator and the County Engineer are directed to implement the Five Year Road Plan by taking such actions as are necessary to cause the construction of the roadway segments indicated on the Plan, make periodic reports to the Board of County Commissioners with regard to the progress of the projects and to bring all necessary agreements and budget amendments to accomplish the project to the Board of County Commissioners for consideration.

MODIFICATION OF PLAN

Each year prior to December, the Board of County Commissioners shall consider an amendment to this Ordinance modifying the list of projects contained on Exhibit "A" to create a viable list of funded projects for the succeeding five years.

From time to time during each year, the Board of County Commissioners, by resolution, may shift funding within the program to promote the more efficient construction of the projects. Deletions, substitutions and additions of entire construction projects from Exhibit "A" may only be accomplished by Ordinance of the Board of County Commissioners. Deletions of projects may be accomplished no more frequently than twice a year.

FUNDING OF OTHER ROADWAY IMPROVEMENTS, INTERPRETATION OF EXHIBIT

This Ordinance shall not be construed to prevent the Board of County Commissioners from constructing other roadway improvements which are not listed on Exhibit "A," provided the projects are funded from sources which will not delete or delay projects included on Exhibit "A."

It is recognized that Exhibit "A" depicting limits of the various projects, length of projects, type of work, timetables and costs are approximations that will require modification and updating by the County Administrator based upon more detailed information and bidding results; provided that the following changes may only be made by the County Commission:

(a) Changes that increase or decrease the total approved appropriations of the program.

(b) Changes requiring funding from a reserve account.

(c) Changes increasing a Board approved project budget by more than five percent.

(d) Changes which significantly affect the scope, nature, or phasing of a capital project.

REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be

unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, this 9th day of January, 1996.

DOROTHY H. WILKEN, CLERK

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

Vice-Chair Burt Aaronson

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Asst. County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 16th day of January, 1996.

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ADOPTED JANUARY 9, 1996

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM – EXHIBIT A

ROAD PROGRAM REVENUES	FY 95/96 PROJECTED	FY 96/97 PROJECTED	FY 97/98 PROJECTED	FY 98/99 PROJECTED	FY 99/00 PROJECTED	FY 00/01 PROJECTED	TOTAL PROJECTED
LOCAL OPTION GASOLINE TAXES							
6 Cent Local Option Gas Tax – 1986	17,149,000	17,578,000	18,017,000	18,467,000	18,929,000	19,402,000	109,542,000
5 Cent Local Option Gas Tax – 1994	8,017,000	8,217,000	8,422,000	8,633,000	8,849,000	9,070,000	51,208,000
1 Cent Local Option Gas Tax – 1994	2,330,000	2,388,000	2,448,000	2,509,000	2,572,000	2,636,000	14,883,000
TRANSFER (TO) MASS TRANSIT	(1,152,500)	(836,500)	(522,300)	0	0	0	(2,511,300)
TOTAL GASOLINE TAXES	26,343,500	27,346,500	28,364,700	29,609,000	30,350,000	31,108,000	173,121,700
IMPACT FEES	10,433,000	10,640,000	11,897,000	11,897,000	11,897,000	11,897,000	68,661,000
INTEREST EARNINGS	4,982,500	4,978,000	5,276,000	5,439,000	5,536,000	5,636,000	31,847,500
MISCELLANEOUS	750,000 E	1,250,000 F	1,100,000 G	3,500,000 H	0	0	6,600,000
BOND ISSUE PROCEEDS	0	28,810,000 B	0	0	0	0	28,810,000
BOND ISSUE DEBT SERVICE	0	0	(11,000,000)C	(11,000,000)C	(11,000,000)C	0	(33,000,000)
LESS 5% STATUTORY RESERVES	(2,145,575)	(2,190,050)	(2,303,000)	(2,347,250)	(2,389,150)	(2,432,050)	(13,807,075)
TOTAL CURRENT REVENUES	40,363,425	70,834,450	33,334,700	37,097,750	34,393,850	46,208,950	262,233,125
BALANCES FORWARD							
FROM GENERAL REVENUES	16,601,037	36,462	3,530,912	495,612	253,362	517,212	16,601,037
FROM IMPACT FEES	3,272,000 A	0	2,410,000 D	0	0	0	5,682,000
TOTAL REVENUES	60,236,462	70,870,912	39,275,612	37,593,362	34,647,212	46,726,162	284,516,162
PROJECT COSTS AS PROPOSED	60,200,000	67,340,000	38,780,000	37,340,000	34,130,000	46,700,000	284,490,000
REVENUES LESS PROJECT COSTS	36,462	3,530,912	495,612	253,362	517,212	26,162	26,162

FOOTNOTES:

A – Impact Fee balances forward assigned to the Military Trail – Palmetto to Glades project ($2,300,000) and to Lantana Road – Hagen Ranch Rd to Jog Rd project ($972,000).
B – Bond proceeds dedicated to the Donald Ross Road Intracoastal Bridge project. Assumes $2,000,000 of current revenues/carry over used to reduce bond amounts.
C – Bond debt service on Donald Ross Bridge project debt, assumes 3 year payback at 4% interest.
D – Impact Fee balances forward assigned to the Military Trail – Glades Rd to Clint Moore Rd project.
E – Advanced impact fees from Jones Property project ($500,000) and Town Park PUD project ($250,000).
F – Advanced impact fees from Jones Property project ($1,000,000) and Town Park PUD project ($250,000).
G – Advanced impact fees ($100,000) and no interest loan ($1,000,000) from Jones Property project. Loan to be repaid in 98/99 and 99/2000 at $500,000 per year.
H – Advanced impact fees ($1,150,000) and no interest loan ($2,350,000) from Town Park PUD project. Loan to be repaid in 99/2000 at $1,000,000 and $1,350,000 in 2000/01.

General note on interest projections:

Projections for interest earnings assume that average cash balances will approximate 2.4 times the current year revenue projections at an interest rate of 5.5%.
FY 1995–96 interest estimates are based on budget projections using a 5.5% rate and estimated cash flows and cash balances by fund.

ADOPTED JANUARY 9, 1996

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM – EXHIBIT A

PROJECT	LIMITS	DESCRIPTION	FY 95/96 COST–PHASE	FY 96/97 COST–PHASE	FY 97/98 COST–PHASE	FY 98/99 COST–PHASE	FY 99/00 COST–PHASE
* 10th Avenue North	Military Trail – Congress Ave	2.0 mi, add cntr turn lane	0	0	1,810	0	0
* 827A (Belle Glade)	Bolles Canal – SR 80	3.5 mi, 2 L reconst	4,840 C	0	0	0	0
* Belvedere Road	and Haverhill Road	extend center turn lanes	0	0	1,990	0	0
Blue Heron Blvd	I–95 – Avenue S	1.2 mi, 6 L	1,620 C	0	0	0	0
Center Street	Jones Creek & Sims Creek	bridges	1,710 C	0	0	0	0
* Clint Moore Road	FDOT Turnpike Agreement	0.6 mi, 6 L	0	0	2,000 P	0	0
Congress Ave	Miner Road – Hypoluxo Road	1.0 mi, 6 L	0	0	1,210 C	0	0
Congress Ave	Blue Heron Blvd – Northlake Blvd	1.6 mi, 2/3 L	3,070 C	0	0	0	0
Crestwood Ave	Folsom Rd – Okeechobee Blvd	1.1 mi, 4 L	0	2,500 C	0	0	0
* Donald Ross Rd	Prosperity Farms Rd – US 1	1.3 mi, 4/6 L	3,030 R	30,810 C	0	0	0
Donald Ross Rd	Prosperity Farms Rd – US 1 (Mitigation)		1,800 M	0	0	0	0
Flavor Pict Rd	West of E–3 Canal – Military Trail	0.5 mi, 2/3 L	1,730 C	0	0	0	0
Folsom Rd/Crestwood	SR 80 – Okeechobee Blvd	1.5 mi, 2/4 L	2,970 C	0	0	0	0
Forest Hill Blvd	at Southern Blvd (C–51 Canal)	bridge over C–51	1,140 C	0	0	0	0
Glades Area	R&R Throughout the Glades	repair/reconst	800 C	800 C	800 C	800 C	800 C
Gateway Blvd (NW 22nd)	Military Trail – Congress Ave	2.0 mi, 6 L	0	3,850 C	0	0	0
Hagen Ranch Road	Boynton Canal – L–22 Canal(Aberdeen)	0.3 mi, 2 L	320 C	0	0	0	0
Haverhill Rd	45th St – Beeline Hwy	2.5 mi, 5 L	0	0	0	0	6,530 C
Indiantown Rd	130th Ave – Jupiter Farms Rd	3.1 mi, 4 L	7,030 C	0	0	0	0
Intersection Program	Countywide	intersection improv	3,300 C	4,000 C	4,000 C	5,000 C	5,000 C
Jog Road	Clint Moore Rd – N. of Civic Center	1.7 mi, 6 L	1,990 C	0	0	0	0
Jog Road	N. of Civic Center – Linton Blvd	0.5 mi, 6 L	520 C	0	0	0	0
* Jog Road	Lake Ida Road – Boynton Beach Blvd	4.0 mi, 6 L	500 D	1,000 R	5,920 C	500 P	500 P
Jog Road	Boynton Beach Blvd – Hypoluxo Road	2.3 mi, 4/6 L	4,000 C	0	0	0	0
* Jog Road/Roebuck Road	Okeechobee Blvd – Haverhill Rd	3.5 mi, 6 L	0	2,160 R	0	14,300 C	0
* Jog Road/Roebuck Road	Okeechobee Blvd – Haverhill Rd (Mitigation)		0	0	510 M	550 M	0
Lake Worth Road	South Shore Blvd – Wycliffe	2.9 mi, 2/3 L	0	3,780 C	0	0	0
* Lantana Road	State Road 7 – Lacuna	1.6 mi, 4/6 L	250 D	250 R	0	3,500 C	1,000 P
* Lantana Road	FDOT Turnpike Agreement	0.6 mi, 6 L	390 P	0	0	0	0
* Lantana Road	Hagen Ranch Rd – Jog Rd	0.7 mi, 6 L	1,970 C	0	0	0	0
Lawrence Road	Gateway Blvd – Hypoluxo Rd	2.0 mi., 5 L	0	0	3,620 C	0	0
* Melaleuca Lane	Haverhill – Military Trail	0.7 mi, 5 L	0	0	940	0	0
Mercer Ave	Belvedere Rd – Australian Ave	0.4 mi, 4/5 L	0	0	2,370 R	0	0
Military Trail	Palmetto Park Rd – S. of Glades Rd	1.4 mi, 6 L	2,300 C	0	0	0	0
Military Trail	Glades Road – Clint Moore Road	2.8 mi, 6 L	0	0	2,410 C	0	0
Military Trail	Clint Moore Rd – W. Atlantic Ave	3.1 mi, 6 L	0	3,580 C	0	0	0
* Miner Road	Lawrence Rd – Congress Ave	1.0 mi, 2/3 L	900 C	0	0	0	0

* = See footnotes; S = Study; D = Design; M = Mitigation; R = Right of Way; C = Construction; P = Payment; B = Beautification; L = Street Lighting

ADOPTED JANUARY 9, 1996

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM – EXHIBIT A

PROJECT	LIMITS	DESCRIPTION	FY 95/96 COST–PHASE	FY 96/97 COST–PHASE	FY 97/98 COST–PHASE	FY 98/99 COST–PHASE	FY 99/00 COST–PHASE
* Northlake Blvd	Coconut Boulevard – Ibis	2.0 mi, 4 L	500 D	0	0	0	4,000 C
* Northlake (Reliever)	Military Trail – Garden Road	1.0 mi, 2/3 L	0	3,470 R	0	0	5,000
Northlake (Reliever)	Garden Road – Congress Ave	0.7 mi, 2/3 L	1,460 C	0	0	0	0
Old Dixie Highway	SR 811 to Tequesta Dr – drainage	none	100 P	0	0	0	0
Old State Road 80	rehabilitation/heavy maintenance	rehabilitation	0	0	1,500 C	1,590 C	1,500 C
Pathway Program	Countywide School & Recreational	pathways	1,500 DRC	1,500 DRC	1,500 DRC	1,500 DRC	1,500 DRC
Prosperity Farms Rd	Archie's Creek Bridge	0.1 mi, 5 L	310 C	0	0	0	0
Reserve--Beautification	Countywide	beautification	300 B	400 B	500 B	600 B	700 B
Reserve--Street Lighting	Countywide	street lighting	400 L	500 L	600 L	700 L	800 L
Reserve--Plans/Align.	Countywide	design/studies	2,000 DS	2,000 DS	3,100 DS	3,500 DS	2,500 DS
Reserve--R/W	Countywide	land acquisition	1,500 R	2,600 R	4,000 R	4,800 R	3,100 R
Reserve--Construction	Countywide	construction reserve	0	0	0	0 C	0 C
* Reserve--Traffic Signals	Countywide	traffic signals	300 D/C	300 D/C	0	0	0
* Royal Palm Beach Blvd	Orange Grove Blvd – Persimmon Blvd	0.5 mi, 5 L	1,160 C	0	0	0	0
Silver Beach Road	Congress Avenue – Avenue S	0.4 mi, 2/3 L	0	650 C	0	0	0
South Shore Blvd	S of Greenview Shores Blvd – Big Blue Trace	1.3 mi, 4 L	0	3,190 C	0	0	0
* Water Tower Rd	Congress Ave – Old Dixie Highway	0.5 mi, 2 L	0	0	0	0	1,200 C
Westgate Ave	Military Trail – Congress Ave	1.5 mi, 5 L	3,220 C	0	0	0	0
Woolbright Road	Congress Ave – I–95	0.9 mi, 6 L	1,270 C	0	0	0	0
TOTAL COSTS			60,200	67,340	38,780	37,340	34,130

* = See footnotes; S = Study; D = Design; M = Mitigation; R = Right of Way; C = Construction; P = Payment; B = Beautification; L = Street Lighting

FOOTNOTES TO THE INDIVIDUAL PROJECTS CONTAINED IN THE PLAN

10th AVENUE NORTH – MILITARY TRAIL TO CONGRESS AVENUE
Funding to be held in reserve pending resolution of West Peninsular Title case. This funding will be available for construction of the described improvements if this funding is not required for the West Peninsular case.

827A (BELLE GLADE) – BOLLES CANAL TO SR 80
R/W has been donated

BELVEDERE ROAD AND HAVERHILL ROAD INTERSECTION
Funding to be held in reserve pending resolution of on–going litigation. This funding will be available for construction of the described improvements pending the resolution of the on–going litigation.

BOND ISSUE PROCEEDS
(DONALD ROSS ROAD – PROSPERITY FARMS ROAD TO US 1)
Program revenue estimate represents net proceeds of planned bond issue.

CLINT MOORE ROAD AT FLORIDA'S TURNPIKE
Palm Beach County & Florida Department of Transportation Agreement dated 12/7/92.

JOG ROAD – LAKE IDA ROAD TO BOYNTON BEACH BOULEVARD
Agreement pending with developer (Jones property)

JOG RD/ROEBUCK RD – OKEECHOBEE BOULEVARD TO HAVERHILL RD
Interlocal agreement with the City of West Palm Beach

LANTANA ROAD – STATE ROAD 7 TO LACUNA
Agreement pending with developer (Town Park PUD property)

LANTANA ROAD AT FLORIDA'S TURNPIKE
Palm Beach County & Florida Department of Transportation agreement dated 5/12/94

LANTANA ROAD – HAGEN RANCH ROAD TO JOG ROAD
Balance of funding to construct Lantana Road as required by Smith Dairy Agmt

MELALEUCA LANE – HAVERHILL ROAD TO MILITARY TRAIL
Funding to be held in reserve pending resolution of West Peninsular Title case. This funding will be available for construction of the described improvements if this funding is not required for the West Peninsular case.

MINER ROAD – LAWRENCE ROAD TO CONGRESS AVENUE
Anticipates Joint Project Agreement with the City of Boynton Beach

NORTHLAKE BOULEVARD – COCONUT BOULEVARD TO IBIS
Palm Beach County and Indian Trail Water Control District agreement dated 4/28/92

NORTHLAKE (RELIEVER) – MILITARY TRAIL TO GARDEN ROAD
Agreement pending (with municipalities) for Northlake Boulevard "CRALLS" designation
Funding to be held in reserve pending further review of this project area by the Board. This funding will be available for construction of the described improvements pending the results of the Board's review of the project area.

RESERVE – TRAFFIC SIGNALS
For either 1) school related traffic signal installation if "quid pro quo" arrangement (from 2/8/95 joint boards meeting) is accepted by School Board or
2) energy efficient traffic signal upgrades

ROYAL PALM BEACH BLVD – ORANGE GROVE BLVD TO PERSIMMON BLVD
Palm Beach County and Indian Trail Water Control District Agreement dated 4/28/92

WATER TOWER ROAD – CONGRESS AVENUE TO OLD DIXIE HIGHWAY
Agreement pending (with municipalities) for Northlake Boulevard "CRALLS" designation

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on 1/9/96
DATED at West Palm Beach, FL on 1/30/96
DOROTHY H. WILKEN, Clerk
By: Phyllis A. Greene D.C.